

Cedar City, Utah.
April 25, 1940.

T.H. Humpheries, State Engineer.
Salt Lake City, Utah.

Dear Mr. Humpheries,-

Re; Clayton Perry Complaint.

At the time I took this job over I was given some instructions by the Water Users Committee, chief among which was that I should distribute the waters of Coal Creek according to the Decree of the District Court. This I have tried to do.

Mr. Perry claims the right to water which he admits is not in the Decree but which "some buggers" have stolen from him. I have sit down several times with him and his Father, Heber Perry, and listened to his story and they have asked me this "Now don't you think we have a right to this water" Then they have asked me what they can do about it. I have told them that if they feel they have a right that is not included in the Decree that they should ask the Court to re-open the case for a re-hearing. At the time Mr. Perry referred to, I suggested to him then, after I had regulated the stream, that he interfere with or change it at that time and we could lay the ground for starting a suit. However he was very angry and walked off with the threat that he would write the State Engineer and get my job.

Mr. Perry, with others, own 1.76 c.f.s. which is co-mingled with the waters of the Union Field at the diversion point but which is distributed as a separate unit. During the ~~time~~ period from Mar. 15 to May 1st. the Union Field, including this unit, is entitled to 20.20 c.f.s. provided there is 102 c.f.s. in the Creek. There must be over 38 c.f.s. before they are entitled to any. At the time Mr. Perry complains of there was 3 c.f.s. in the Union Field canal. Perry had a board in the main channel forcing nearly all the stream into his ditch. I regulated the flow so that he was getting only his share.

I hope I have made the case clear, however there is one thing that I wish to emphasize, several times I have sit down and patiently explained the Decree and the rights therein to this party. I have also done this ~~time~~ with the other users on this canal and while they are not satisfied with the Decree they are satisfied with the manner of distribution.

Yours very truly

J.T. Leigh

